

REMARKS

In the Office Action, the Examiner rejected claims 14, 15, 17-28, and 31, objected to claims 16, 29, and 30 for containing allowable subject matter but being dependent upon a rejected base claim, and allowed claims 32-37. Applicants sincerely thank the Examiner for noting the allowable subject matter in the present patent application. By the present Response, Applicants have amended claim 14 to correct clerical errors and added new claims 38-41. With respect to the amendments and the new claims, Applicants respectfully assert that no new matter has been added. Upon entry of the amendments, claims 14-41 will be pending in the present patent application. In view of the following remarks and the foregoing amendments, Applicants respectfully request reconsideration and allowance of all pending claims.

Objections to the Claims

In the Office Action, the Examiner objected to claim 14 for presenting informalities and being “confusing and unclear.” By the present Response, Applicants have amended claim 14 to clearly identify that the claimed first and second data conductors are configured to transmit data signals. In view of this amendment, Applicants respectfully assert that claim 14 is neither confusing nor unclear. In view of the foregoing amendments, Applicants respectfully request the Examiner withdraw the objections to claim 14.

Claim Rejections Under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 14, 15, 17-25, and 31 under 35 U.S.C. § 102(e) as anticipated by the Toh et al. reference (U.S. Patent No. 6,672,884; hereinafter “Toh”). In rejecting independent claims 14 and 22, the Examiner stated as follows:

Regarding 14, Toh discloses a rail system (14) for transmitting power and data signals comprising: an insulative support (16, see figure 1); first and second power conductors (32, see figure 1 located on each side of the support) supported lengthwise on the support (16) via an

elongated support edge (see figure 1) and configured to conduct electrical power (column 2 lines 44-62); and first and second data conductors (34) supported lengthwise on the support (16) via an elongated support edge (see figure 1) and disposed between the power conductors (32) and configured to transmit data signals (column 2 lines 44-62); wherein each of the power and data conductors (32, 34) present[s] a respective elongated connection edge (see figures 1 and 2) opposite the respective support edge (see figure 1 and 2), the connection edges being generally aligned for receiving respective connectors elements (column 2 lines 55-59).

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Regarding claim 22, Toh discloses a rail system (14) for transmitting power and data signals comprising: an insulative support (16); a first set of power conductors (32, outer contact portion) supported lengthwise on the support (16) and configured to conduct electrical power (column 2 lines 44-54); a second set of power conductors (32 inner contact portion) supported lengthwise on the support and configured to conduct electrical power (column 2 lines 44-54); and first and second data conductors (34) supported lengthwise on the support and configured to transmit data signals (column 2 lines 44-54).

Office Action mailed November 4, 2004, pp. 2-4. Applicants respectfully traverse the rejections. In summary, Applicants respectfully assert that Toh fails to disclose all of the features recited in independent claims 14 and 22.

Anticipation under Section 102 can be found only if a single reference shows exactly what is claimed. *See Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under Section 102, every element of the claimed invention must be identically shown in a single reference. *See In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Moreover, the prior art reference also must show the identical invention “in as complete detail as contained in the ... claim” to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989) (emphasis added). Accordingly, Applicants need only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter. Additionally, for anticipation, the cited reference

must not only disclose all of the recited features but must also disclose the part-to-part relationships between these features. *See Lindermann Maschinenfabrik GMBH v. American Hoist & Derrick*, 221 U.S.P.Q. 481, 486 (Fed. Cir. 1984).

Furthermore, Applicants respectfully remind the Examiner that, during patent examination, the pending claims must be given an interpretation that is reasonable and consistent with the specification. *See In re Prater*, 162 U.S.P.Q. 541, 550-51 (C.C.P.A. 1969); *see also* M.P.E.P. §§ 608.01(o) and 2111. Indeed, the Federal Circuit has stated that “[c]laims are not to be read in a vacuum, and limitations therein are to be interpreted in light of the specification in giving them their ‘broadest reasonable interpretation’.” *In re Marosi*, 218 U.S.P.Q. 289 (Fed. Cir. 1983) (emphasis in original) (quoting *In re Okuzawa*, 190 U.S.P.Q. 464, 466 (C.C.P.A. 1976)). Moreover, interpretation of the claims must also be consistent within the interpretation that those skilled in the art would reach. *See In re Cortright*, 49 U.S.P.Q.2d 1464, 1468 (Fed. Cir. 1999). That is, recitations of a claim must be interpreted as they would be interpreted by those of ordinary skill in the art in view of the specification. *See Rexnord Corp. v. Laitram Corp.*, 60 U.S.P.Q.2d 1851, 1854 (Fed. Cir. 2001).

Moreover, when construing claims, the Federal Circuit has consistently looked first to dictionaries, encyclopedias, and treatises, which were publicly available at the time the patent issued, to determine the ordinary and custom meanings of terms used in claims. As stated in *Texas Digital Systems, Inc. v. Telegenix, Inc.*, 308 F.3d 1193, 1202-03 (Fed. Cir. 2002):

Such references are unbiased reflections of common understanding not influenced by expert testimony or events subsequent to the fixing of the intrinsic record by the grant of the patent, not colored by the motives of the parties, and not inspired by litigation. Indeed, these materials may be the most meaningful source of information to assist judges in better understanding both the technology and the

terminology used by those skilled in the art to describe the technology.

The *Texas Digital* court further stated that “[c]onsulting the written description and prosecution history as a threshold step in the claim construction process, before any effort is made to discern the ordinary and customary meanings attributed to the words themselves, invites a violation of our precedent counseling against importing limitations into the claims.” *Id.* at 1204 (cited with approval in *Intellectual Property Development Inc. v. UA-Columbia Cablevision of Westchester Inc.*, 67 U.S.P.Q. 2d 1385, 1389 (Fed. Cir. 2003)).

With the foregoing legal precedent in mind, Applicants respectfully assert that Toh does not anticipate independent claims 14 and 22, because Toh fails to disclose all of the features recited in these independent claims. Moreover, Toh fails to disclose all of the features recited in the dependent claims, as exemplified by the discussion of claims 18 and 25 below.

Independent Claims 14 and 25

By way of example, Toh fails to disclose power conductors and data conductors that are “supported lengthwise on [a] support,” as is recited in independent claims 14 and 22. (Emphasis added.) In contrast to the foregoing claim recitation, Toh discloses conductors that are supported transverse to the longitudinal axis of the support to which they are mounted.

Recalling the legal precedent regarding claim interpretation discussed above, Applicants respectfully assert that “lengthwise” is defined as “[o]f, along, or in reference to the direction of the length; longitudinally.” AMERICAN HERITAGE COLLEGE DICTIONARY 793 (4th ed. 2002). Moreover, Applicants note that length is defined as “[t]he measurement of the extent of something along its greatest dimension.” *Id.* With

this in mind, Applicants respectfully assert that it is clear the conductors of Toh are transverse to the longitudinal axis of the support to which they are mounted.

That is, even if, *arguendo*, element 16 of Toh can be equated with the claimed insulative support, the conductors of Toh extend in a direction perpendicular to the longest direction of the support 16. *See* Toh, Figs. 1 and 2. Moreover, Toh states that the power terminals 18 are designed for “insertion into appropriate holes in the circuit board.” *See* Toh, col. 3, ll. 2-5. (stating “each power terminal 18 includes a plurality of downwardly extending solder trails 38 for insertion into appropriate holes in the circuit board”). Thus, for the device of Toh to operate, the pins must extend in a direction transverse to the longitudinal axis of the support assembly 16. Indeed, if any of the conductors of Toh were rearranged to extend in the longest direction of the Toh support assembly 16, these conductors would no longer be able to mate with the corresponding holes. Simply put, Toh disclose a series of pins that extend as cantilevers from the support 16, and these cantilevered pins are, in no way, equateable with conductors that are supported lengthwise on a support. Indeed, Applicants respectfully assert that Toh not only fails to disclose power and data conductors supported lengthwise with respect to their support, the cantilevered pins of Toh are wholly antithetical to the subject matter of the instant claims.

Dependant Claims 18 and 25

Additionally, Applicants respectfully assert that Toh fails to disclose all of the features recited in the dependent claims of the present application. For example, as discussed in detail further below, Applicants respectfully assert that Toh fails to disclose all of the features recited in dependent claims 18 and 25. In summary, Applicants respectfully assert that Toh fails to disclose conductive rails and, furthermore, fails to disclose the appropriate arrangement of conductors and data conductors as recited in claims 18 and 25, respectively.

Beginning with dependent claim 18, Applicants respectfully assert that Toh does not disclose conductors that are “uninsulated conductive rails,” as is recited in this claim. (Emphasis added.) Rather, Toh discloses cantilever-like pins that extend vertically from the support to which they are mounted. Recalling the precedent regarding claim interpretation, discussed above, Applicants respectfully assert that a rail is defined as “a bar extending horizontally between supports.” AMERICAN HERITAGE COLLEGE DICTIONARY 1150 (4th ed. 2002). In contrast to this definition, the conductors 38, 34, and 42 of Toh all extend away from the support 16 to which they are mounted and, furthermore, are only supported at one end. Indeed, the device of Toh requires this cantilevered construction to facilitate insertion of the conductors into corresponding holes in a circuit board. *See* Toh, col. 3, ll. 2-6. Thus, Applicants respectfully assert that it is neither reasonable nor proper to equate any of the conductors of Toh with the uninsulated conductive rails recited in the instant claim.

As another exemplary dependent claim having features not disclosed in Toh, claim 25, based on its dependencies on claims 23 and 24, recites an assembly of conductors having a first set of conductors configured to conduct ac power and a second set of conductors configured to conduct dc power, wherein the conductors are disposed cross-sectionally in the order: ac power, dc power, dc power, ac power. In contrast to this recitation, Toh discloses power conductors, wherein dc power cannot be transmitted between conductors transmitting ac power. That is, the design of the Toh device precludes an assembly having the conductor arrangement recited in the instant claim. As clearly illustrated in FIG. 1, Toh discloses two power terminals 18. *See* Toh, col. 2, ll. 47-50; FIG. 1. With respect to the orientation of Fig. 3 of Toh, one power terminal 18 is located on the left side of the assembly and one power terminal 18 is located on the right side of the assembly. And, as is best illustrated in FIG. 5 of Toh, each power terminal 18 is a contiguous unit. That is, each portion of the given power terminal 18, including the extending portions, must conduct the same type of power throughout. Indeed, every portion of the power terminal 18 of Toh is in electrical communication with every other

portion. Thus, each and every portion of the power terminal 18 located on the left must conduct the same type of power. Similarly, each and every portion of the rightmost power terminal 18 must conduct the same type of power. Accordingly, in no way, can the device of Toh transmit dc power between conductors that transmit ac power. Thus, Toh fails to disclose the conductor arrangement recited in the instant claim.

Based on the foregoing Applicants respectfully assert that Toh fails to anticipate independent claims 14 and 22. Moreover, Applicants respectfully assert that dependent claims 15, 17-21, 23-25, and 31 are patentable not only by virtue of their respective dependencies on allowable base claims but also by virtue of the additional features recited therein. With the foregoing in mind, Applicants respectfully requests reconsideration and allowance of claims 15, 17-21, 23-25, and 31.

Claim Rejections Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected dependent claims 26-28 under 35 U.S.C. § 103(a) as obvious in view of Toh. Applicants, however, respectfully traverse the rejection. Indeed, Applicants respectfully assert that claims 26-28, which are dependent on claim 22, are at least patentable by virtue of their dependency on independent claim 22. That is, Applicants respectfully assert that the Examiner has failed to demonstrate that Toh discloses all of the features recited in independent claim 22, as is discussed above. Thus, Toh cannot disclose all of the features recited in claims 26-28 and, as such, cannot support a *prima facie* case of obviousness. Additionally, Applicants respectfully assert that dependent claims 26-28 are also patentable by virtue of the additional features recited therein. In view of the foregoing, Applicants respectfully request reconsideration and allowance of claims 26-28.

New Claims


Applicants respectfully assert that Toh fails to disclose all of the features recited in new claims 38-41 and, as such, fails to anticipate these claims. Indeed, as discussed above, Toh fails to disclose any semblance of a rail. Accordingly, Toh cannot anticipate the instant claims, which each recites, at least by dependency, first and second rail power conductors and first and second rail data conductors. Accordingly, Applicants respectfully request allowance of new claims 38-41.

Conclusion

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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